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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/814,972

03/30/2004

Chris Lee

1362002-2005.2

8626

85729

7590

10/01/2010

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EXAMINER

LUONG, PETER

ART UNIT

PAPER NUMBER

3737

MAIL DATE

DELIVERY MODE

10/01/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/2/2010 has been entered.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-17, 20, 22, 24-25, 27-28, 31-32, 34-36, 38, 45-46, and 49-52 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification as originally filed fails to disclose 1) wherein the inner conductor contact as a diameter equal to the diameter of the outer conductor contact and 2) wherein the diameter of the outer conductor is equal in length to the diameter of each of the inner conductor contact and outer conductor contact. With respect to (1), the specification only discloses the inner conductor being "approximately

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the same diameter” as the outer conductor (page 10, lines 5-8). With respect to (2), the specification only discloses “relatively the same diameter” (page 11, lines 8-10).

### ***Response to Arguments***

Applicant's arguments filed 9/15/2010 have been fully considered but they are not persuasive.

Applicant argues the original disclosure discloses 1) wherein the inner conductor contact as a diameter equal to the diameter of the outer conductor contact and 2) wherein the diameter of the outer conductor is equal in length to the diameter of each of the inner conductor contact and outer conductor contact. However, the Examiner respectfully disagrees with the applicant. As noted by applicant in the response and the Examiner in the Office Action, the specification discloses terms such as "approximately" and "relatively". As such, the amendment of narrowing from “approximately” and “relatively” to “equal” constitutes as new matter (see MPEP 2163.05(II)).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Luong whose telephone number is (571)270-1609. The examiner can normally be reached on Monday - Friday, 9:30 a.m. - 6:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Casler can be reached on (571) 272-4956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRIAN CASLER/  
Supervisory Patent Examiner, Art  
Unit 3737

/P. L./  
Examiner, Art Unit 3737